

105TH CONGRESS  
2D SESSION

# H. R. 3682

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Ms. ROS-LEHTINEN (for herself, Mr. BARCIA of Michigan, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. HASTERT, Mr. DIAZ-BALART, Mr. CANADY of Florida, Mr. GOSS, Mr. STEARNS, Mr. MCCOLLUM, Mr. MICA, Mr. YOUNG of Florida, Mr. WELDON of Florida, Mr. GOODE, Mr. HALL of Texas, Mr. HEFNER, Mr. JOHN, Mr. MINGE, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. STENHOLM, Mr. BACHUS, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BLILEY, Mr. BLUNT, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. CRANE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. ENSIGN, Mr. GOODLATTE, Mr. GOODLING, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. KING of New York, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mr. MCDADE, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. METCALF, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PAPPAS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTMAN, Mr. QUINN, Mr. RYUN, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. TALENT, Mr. TIAHRT, Mr. THUNE, Mr. WALSH, Mr. WATTS of Oklahoma, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on the Judiciary

# A BILL

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

## 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Custody Protec-  
5 tion Act”.

## 6 **SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN** 7 **LAWS RELATING TO ABORTION.**

8 (a) IN GENERAL.—Title 18, United States Code, is  
9 amended by inserting after chapter 117 the following:

## 10 **“CHAPTER 117A—TRANSPORTATION OF** 11 **MINORS TO AVOID CERTAIN LAWS RE-** 12 **LATING TO ABORTION**

“Sec.

“2401. Transportation of minors to avoid certain laws relating to abortion.

## 13 **“§ 2401. Transportation of minors to avoid certain** 14 **laws relating to abortion**

15 “(a) OFFENSE.—Except as provided in subsection  
16 (b), whoever knowingly transports an individual who has  
17 not attained the age of 18 years across a State line, with  
18 the intent such individual obtain an abortion, if in fact  
19 the requirements of a law, requiring parental involvement  
20 in a minor’s abortion decision, in the State where the indi-

1 vidual resides, are not met before the individual obtains  
 2 the abortion, shall be fined under this title or imprisoned  
 3 not more than one year, or both.

4 “(b) EXCEPTION.—The prohibition of subsection (a)  
 5 does not apply if the abortion was necessary to save the  
 6 life of the minor because her life was endangered by a  
 7 physical disorder, physical injury, or physical illness, in-  
 8 cluding a life endangering physical condition caused by or  
 9 arising from the pregnancy itself.

10 “(c) CIVIL ACTION.—Any parent or guardian who  
 11 suffers legal harm from a violation of subsection (a) may  
 12 obtain appropriate relief in a civil action.

13 “(d) DEFINITIONS.—For the purposes of this sec-  
 14 tion—

15 “(1) a law requiring parental involvement in a  
 16 minor’s abortion decision is a law—

17 “(A) requiring, before an abortion is per-  
 18 formed on a minor, either—

19 “(i) the notification to, or consent of,  
 20 a parent or guardian of that minor; or

21 “(ii) proceedings in a State court; and

22 “(B) that does not provide as an alter-  
 23 native to the requirements described in sub-  
 24 paragraph (A) notification to or consent of any

1 person or entity who is not described in that  
 2 subparagraph;

3 “(2) the term ‘minor’ means an individual who  
 4 is not older than the maximum age requiring paren-  
 5 tal notification or consent, or proceedings in a State  
 6 court, under the law requiring parental involvement  
 7 in a minor’s abortion decision; and

8 “(3) the term ‘State’ includes the District of  
 9 Columbia and any commonwealth, possession, or  
 10 other territory of the United States.”.

11 (b) CLERICAL AMENDMENT.—The table of chapters  
 12 for part I of title 18, United States Code, is amended by  
 13 inserting after the item relating to chapter 117 the follow-  
 14 ing new item:

“117A. Transportation of minors to avoid certain laws relating to  
 abortion ..... 2401.”.

